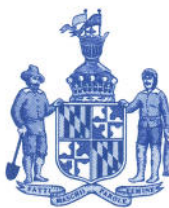


ROBERT A. ROHRBAUGH
STATE PROSECUTOR



OFFICE OF
THE STATE PROSECUTOR

Hampton Plaza
Suite 410
300 East Joppa Road
Towson, MD 21286-3152

Telephone (410) 321-4067
1 (800) 695-4058
Fax (410) 321-3851

For Immediate Release

March 17, 2009

**Timothy Rabalais, Chairmen of Campaign Finance Committee,
"Progress for the People," Charged Criminally**

State Prosecutor, Robert A. Rohrbaugh, has announced that criminal charges have been filed against Timothy Rabalais, chairman for the campaign finance committee known as Progress for the People, stemming from an investigation into the improper use of funds belonging to that committee.

The Grand Jury of Prince George's County indicted Mr. Rabalais, 45, of Brandywine, Maryland, on three counts of Felony Theft and three counts of Embezzlement as well as two corresponding Election Law violations involving failure of campaign account monies to pass through the hands of the treasurer and causing an inaccurate campaign finance report to be filed.

The indictment alleges that Mr. Rabalais wrote three different bank counter checks totaling five thousand dollars to himself between March and April 2007. By law, campaign finance monies are only to be used to support the candidate or cause of the committee, and not for personal use.

If convicted of the Felony Theft charges, Mr. Rabalais faces a maximum penalty of fifteen years incarceration, and/or a fine of up to \$25,000 per count. If convicted of the embezzlement counts, he could be sentenced to not less than one year but no more than five years in prison on each count. Lastly, if convicted of the election law violations, he faces a maximum penalty of one year incarceration, and/or a fine of up to \$25,000.00 on each violation.

Although Mr. Rabalais has been charged, he is presumed innocent unless and until he is convicted. A criminal summons has been issued and no court date has been set.

For further inquiries, contact Senior Assistant State Prosecutor Shelly Glenn.

**IN THE CIRCUIT COURT FOR
PRINCE GEORGE'S COUNTY, MARYLAND**

STATE OF MARYLAND

V.

TIMOTHY RABALAIS

*

*

*

*

*

CASE NO.

INDICTMENT

**The Grand Jurors of the State of Maryland for Prince George's County do on their
oath present:**

FACTS COMMON TO ALL COUNTS

1. At all pertinent times, Timothy Rabalais was chairman and Dora Foushee was treasurer of the campaign finance entity known as Progress for the People.
2. In his capacity as chairman, he owed a fiduciary duty to Progress for the People.

COUNT ONE—THEFT OVER \$500.00

3. The allegations and facts contained in paragraphs 1-2 are re-alleged and incorporated herein by reference.
4. On or about March 7, 2007, **TIMOTHY RABALAIS** did, in Prince George's County, willfully and knowingly obtain and exert unauthorized control over property of the campaign finance entity known as Progress for the People, the value of which exceeded \$500.00, to wit: eight hundred dollars (\$800.00) United States Currency (money), in a manner that deprived Progress for the People of that property, contrary to the form of the Act of Assembly in such case made and provided against the peace, government and dignity of the State.

(Theft Over \$500.00, *Criminal Law Article*, sec. 7-104)

CJIS CODE 3-0521

COUNT TWO-EMBEZZLEMENT

5. The allegations and facts contained in paragraphs 1-2 are re-alleged and incorporated herein by reference.
6. On or about March 7, 2007, **TIMOTHY RABALAIS**, did, in Prince George's County, being a fiduciary of the campaign finance committee Progress for the People, fraudulently and willfully appropriate to a use not in the due and lawful execution of his trust, money, to wit: eight hundred dollars (\$800.00), United States currency, received by him in his fiduciary capacity contrary to the form of the Act of Assembly in such case made and provided against the peace, government and dignity of the State.

(Embezzlement—Fraudulent misappropriation by a fiduciary, *Criminal Law Article*, sec. 7-113 (a)(1))

CJIS CODE 1-2799

COUNT THREE—THEFT OVER \$500.00

7. The allegations and facts contained in paragraphs 1-2 are re-alleged and incorporated herein by reference.
8. On or about March 12, 2007, **TIMOTHY RABALAIS** did, in Prince George's County, willfully and knowingly obtain and exert unauthorized control over property of the campaign finance entity known as Progress for the People, the value of which exceeded \$500.00, to wit: one thousand seven hundred dollars (\$1,700.00) United States Currency (money), in a manner that deprived Progress for the People of that money, contrary to the form of the Act of Assembly in such case made and provided against the peace, government and dignity of the State.

(Theft Over \$500.00, *Criminal Law Article*, sec. 7-104)

CJIS CODE 3-0521

COUNT FOUR—EMBEZZLEMENT

9. The allegations and facts contained in paragraphs 1-2 are re-alleged and incorporated herein by reference.
10. On or about March 12, 2007, **TIMOTHY RABALAIS**, did, in Prince George's County, being a fiduciary of the campaign finance committee Progress for the People, fraudulently and willfully appropriate to a use not in the due and lawful execution of his trust, money, to wit: one thousand seven hundred dollars (1,700.00) United States currency, received by him in his fiduciary capacity contrary to the form of the Act of Assembly in such case made and provided against the peace, government and dignity of the State.
(Embezzlement—Fraudulent misappropriation by a fiduciary, *Criminal Law Article*, sec. 7-113 (a)(1))
CJIS CODE 1-2799

COUNT FIVE --THEFT OVER \$500.00

11. The allegations and facts contained in paragraphs 1-2 are re-alleged and incorporated herein by reference.
12. On or about April 9, 2007, **TIMOTHY RABALAIS** did, in Prince George's County, willfully and knowingly obtain and exert unauthorized control over property of the campaign finance entity known as Progress for the People, the value of which exceeded \$500.00, to wit: two thousand five hundred dollars (\$2,500.00) United States Currency (money), in a manner that deprived Progress for the People of that property, contrary to the form of the Act of Assembly in such case made and provided against the peace, government and dignity of the State.
(Theft Over \$500.00, *Criminal Law Article*, sec. 7-104)
CJIS CODE 3-0521

COUNT SIX—EMBEZZLEMENT

13. The allegations and facts contained in paragraphs 1-2 are re-alleged and incorporated herein by reference.
14. On or about April 9, 2007, **TIMOTHY RABALAIS**, did, in Prince George's County, being a fiduciary of the campaign finance committee Progress for the People, fraudulently and willfully appropriate to a use not in the due and lawful execution of his trust, money, to wit: two thousand five hundred dollars (\$2500.00), United States currency, received by him in his fiduciary capacity contrary to the form of the Act of Assembly in such case made and provided against the peace, government and dignity of the State.
(Embezzlement—Fraudulent misappropriation by a fiduciary, *Criminal Law Article*, sec. 7-113 (a)(1))
CJIS CODE 1-2799

COUNT SEVEN—UNLAWFUL DISBURSEMENT OF CAMPAIGN FINANCES

15. The allegations and facts contained in paragraphs 1-2 are re-alleged and incorporated herein by reference.
16. Between December 1, 2006 and November 19, 2008, at Annapolis, Anne Arundel County, Maryland, as the duly appointed chairman for the campaign finance committee known as **Progress for the People**, the Defendant did unlawfully cause the assets of the campaign finance entity to be disbursed (without said assets passing through the hands of the treasurer and) not in accordance with the purposes of the campaign finance entity in violation of § 13-218 (b) and § 13-214(a) of the *Election Law Article of Maryland*, and against the peace, government and dignity of the State.

COUNT EIGHT-- FALSE STATEMENTS OR ENTRIES

17. The allegations and facts contained in paragraphs 1-2 are re-alleged and incorporated herein by reference.
18. On or about November 29, 2007, did willfully cause a false and fraudulent entries to be made in the campaign finance report of Progress for the People due on August 14, 2007, said report being made under oath and as required by the Election Law Article in violation of § 13-601(a) and § 13-214(a) of the *Election Law Article of Maryland*, and against the peace, government and dignity of the State.

Robert A. Rohrbaugh
Maryland State Prosecutor

STATE OF MARYLAND

VS

TIMOTHY BERNARD RABALAIS

14280 Brandywine Road
Brandywine, Maryland 20613
African-American Male
DOB 6/27/1963

INDICTMENT

(True Bill)

_____, **Foreman**

File:

Witnesses:

Special Agent Shanna Hajdun
Office of the State Prosecutor
300 East Joppa Road, Suite 410
Towson, Maryland 21286

CHARGES:

Theft Over \$500.00
Embezzlement
Unlawful Disbursement of Campaign Finances
False Statement or Entry